

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/897,412	07/03/2001	Richard J. Davis	620-148

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

DOCKETED

620-148
Aug. 30, 2001
Oct. 30, 2001

LINE Mar. 30, 2003

FILED BY Dee J. Ins

CONFIRMATION NO. 8317

FORMALITIES LETTER



OC000000006495956

Date Mailed: 08/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*

NAD
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

AVIS et al.

Serial No. 09/897,412

Filed: July 3, 2001

Attention: Application Branch

Atty. Dkt. 620-148

Date: August 3, 2001

For: USE OF SECRETIN-RECEPTOR LIGANDS IN TREATMENT OF CYSTIC FIBROSIS (CF) AND CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

Assistant Commissioner for Patents
Washington, D.C. 20231

The attached completes filing of the above-identified patent application:

☒ Signed Rule 63 Declaration alone. ☐ Copy of Declaration from prior application alone, OR

☐ Signed Declaration plus attached copy of originally filed specification/drawings.

☐ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.

☐ Record the attached assignment and return to the undersigned.

☐ Attached is a Power of Attorney.

☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

0016441.8

GREAT BRITAIN

4 July 2000

respectively.

☒ Certified copy(ies) of foreign application(s) is/are attached.

☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.

☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.

☐ Also attached: ☐ **Information Disclosure Statement**; ☐ **Nucleotide and/or Amino Acid**

Sequence Submission; ☐ **Other**:

Fees due are calculated below:

Basic filing fee				\$	710.00
Total Effective claims	10	- 20 =	0	x \$	18.00
				\$	0.00
Independent claims	4	- 3 =	1	x \$	80.00
				\$	80.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)				\$	0.00
				FILING FEE	\$ 790.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months; \$1390.00/4 months)

Surcharge (\$130.00) if Declaration or filing fee first now submitted

FIRST SUBTOTAL \$ 920.00

If "small entity," enter half (1/2) of subtotal and subtract

SECOND SUBTOTAL \$ 920.00

Assignment Recording Fee (\$40.00)

TOTAL FEE DUE \$ 920.00

Check enclosed (Pre-Bill)* \$ 920.00

Check enclosed (non Pre-Bill)* \$

TOTAL FEE ENCLOSED \$ 920.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: B. J. Sadoif, Reg. No. 36,663

Signature: _____

*For N&V internal accounting purposes



Serial No.: 09/897412
Applicant: Davis et al
Title: Use of Secretin-
Receptor Ligands...
Atty: BJS
Date: 8/3/01
Client: Ref: 620-148

Amendment
Pages Specification
Claims
Sheets Drawings: Formal
Informal
Declaration (1 Pages)
Assignment
Priority Document
Base Issue Fee Transmittal
Fee (Check)
92000

Other:





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DAVIS et al.

Atty. Ref.: **620-148**

Serial No. **09/897,412**

Group: **1743**

Filed: **July 3, 2001**

Examiner:

For: **USE OF SECRETIN-RECEPTOR LIGANDS IN
TREATMENT OF CYSTIC FIBROSIS (CF) AND CHRONIC
OBSTRUCTIVE PULMONARY DISEASE (COPD)**

* * * * *

October 9, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

Responsive to the Notice to File Missing Parts dated August 30, 2001, the applicants submit the requisite Declaration was filed August 3, 2001. A copy of the previously filed Declaration and the undersigned's cover sheet submitted with the same are attached along with the undersigned's postcard receipt as evidence the documents were received in the Patent Office on August 3, 2001. A copy of the Notice to File Missing Parts is also attached. The applicants note the Notice requires that the Declaration identify the application by the application number and filing date however the undersigned notes that Rule 63 merely requires that the Declaration "identify the application to which it is directed". See, 37 CFR 1.63(b)(1). The undersigned further notes that the Commissioner's Notice of July 13, 1995, which was originally printed at 1177 OG 60 (copy attached) specifies the application may be identified, within Rule 63, by naming the inventors and attorney docket number which was on the specification as

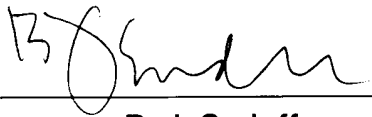
DAVIS et al.
Serial No. 09/897,412

filed. The originally filed application included the undersigned's cover sheet which identified the application by the attorney docket number "620-148" as well as the inventors Davis and Page. The Declaration submitted August 3, 2001, also identified the application by the attorney docket number 620-148 and was executed by the inventors Davis and Page. Moreover, the Declaration submitted August 3, 2001, included the title and filing date as well as the priority application for the above-identified application. Accordingly, the applicants respectfully submit the Declaration submitted August 3, 2001, identified the application, within the requirements of Rule 63, and the application number should not be required on the Declaration.

An early and favorable Action on the merits is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
B. J. Sadoff
Reg. No. 36,663

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